

**United States District Court**  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

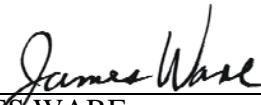
In re ComUnity Lending, Inc. NO. C 08-00201 JW

**ORDER DIRECTING SCOPE OF ORAL ARGUMENT**

Presently before the Court is Plaintiffs' Motion for Summary Judgment on Plaintiffs' First and Third Causes of Action. (Docket Item No. 21). The parties are scheduled to appear before the Court for oral argument at on **October 6, 2008 at 9:00 a.m.** Having reviewed the parties' papers, the Court directs the parties to prepare to address and present evidence on the following issues at oral argument:

- (1) When did Defendant become insolvent, if at all?
- (2) What evidence is available regarding tax treatment of funds contributed to the Top Hat Plan during the period in which the Plan was in effect?

Dated: October 2, 2008

  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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6 **Dated: October 2, 2008**

**Richard W. Wieking, Clerk**

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8 By: /s/ JW Chambers  
Elizabeth Garcia  
Courtroom Deputy

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